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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) CR No. CR 03-08-70175 MAG  
Plaintiff, ) STIPULATION AND [PROPOSED] ORDER  
v. ) CONTINUING THE PRELIMINARY  
ERIC "EDDIE" ESTRADA-CASAS, ) HEARING AND EXCLUDING TIME  
Defendant. )

\_\_\_\_ This matter is set for a Preliminary Hearing / Arraignment on April 14, 2008. The parties are discussing pre-trial resolution of this matter and require additional time for defense counsel to review discovery and for the parties to engage in meaningful discussions. Finally, counsel for the defendant does not believe that it is in his client's best interest to hold a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P. 5.1(c),(d). The parties now stipulate and request that the Court enter an Order that the Preliminary Hearing be removed from the April 14, 2008 calendar and be continued until May 23, 2008 and that time should be excluded from the Speedy Trial Act calculations from April 14, 2008 calendar and be continued until May 23, 2008 for effective preparation of counsel. The parties represent that granting this continuance is

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1 necessary for effective preparation of counsel to permit defense counsel to review discovery and  
2 to afford counsel time to discuss pre-indictment resolution, taking into account the exercise of  
3 due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

4 IT IS SO STIPULATED.

5 JOSEPH P. RUSSONIELLO  
6 United States Attorney

7 DATED: April 11, 2008

/s/Denise Barton  
8 DENISE MARIE BARTON  
9 Assistant United States Attorney

10 DATED: April 11, 2008

/s/  
11 CHRISTOPHER MORALES  
12 Attorney for ERIC "EDDIE" ESTRADA- CASAS

13 IT IS SO ORDERED.

14 For the reasons stated above, the Preliminary Hearing shall be removed from the April  
15 14, 2008 calendar and be continued until May 23, 2008. The Court further finds that the ends of  
16 justice served by the continuance outweigh the best interests of the public and the defendant in a  
17 speedy trial and that time should be excluded from the Speedy Trial Act calculations from April  
18 14, 2008 calendar and be continued until May 23, 2008 for effective preparation of counsel. See  
19 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny the  
20 defendant effective preparation of counsel, taking into account the exercise of due diligence, and  
21 would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

22  
23 DATED: \_\_\_\_\_

24 Honorable James Larson  
25 United States Magistrate Judge

26  
27  
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